Remarks

Claims 1-37 were pending in the parent application. Claim 38 was canceled on the Transmital of the above captioned continuation application. In the Office Action, the Examiner rejected claim 38 for statutory type double patenting. Claim 38 was previously cancelled, but has been canceled again in the amendment above.

An amendment claiming priority to the parent application was added based on box 10 of the Transmittal. In the Office Action, the Examiner alleged that the claim for priority had not been properly made. To further clarify the claim for priority, the specification has been amended again above.

The Examiner rejected claims 1-6, 8-17, 19-25, 27-32 and 34-37 pursuant to 35 U.S.C. § 103(a) as being unpatentable over Malik (U.S. Patent No. 6,181,787) in view of Furman (U.S. Patent No. 5,465,295). Claims 7 and 18 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Malik in view of Furman in further view of Mirville et al. (U.S. Patent No. 5,745,553). Claims 26 and 33 were objected to as being dependent on a rejected base claim, but otherwise allowable.

INDEPENDENT CLAIMS 1, 12 AND 23:

Independent claim 1 requires initiating a trigger based on a service code including an alphabetical abbreviation for a name of a telecommunications service and initially establishing a subscription to the telecommunications service in dependence upon the trigger. Independent claims 12 and 23 include similar limitations.

In the Office Action, the Examiner relies on Malik to initiate the trigger and initially establish the service. The Examiner notes that Malik uses an access code of an asterisk followed by two digits (e.g., "*XX"). As noted, Malik fails to specifically disclose that the "XX" service code includes an alphabetical abbreviation for a name of the telecommunications service. Furman is relied on by the Examiner to teach a service code that is an alphabetical abbreviation for a name of a telecommunications service to be "activated."

Furman teaches away from establishing a subscription to a service as taught by Malik with an alphabetical abbreviation for the name of the service. As noted by the Examiner, Furman uses the abbreviation for "activating" a service. Furman does not use the abbreviation for establishing a subscription to a service. For example, Furman discloses controlling the routing of a telephone call (col. 1, lines 10-11 and 29-32). To avoid memorizing different numbers associated with an individual, only one of the numbers and a suffix code is needed to call any of the numbers (col. 1, lines 32-46 and col. 3, lines 3-16). A table of numbers and associated suffixes for a subscriber is maintained for routing calls (col. 3, lines 48-58 and Figure 2). The suffixes assigned to each number correspond to an alphabetical representation of the expected number, such as F for fax or VM for voice mail (col. 3, lines 48-58 and col. 4, lines 47-58). Based on the number and suffix dialed, the call is routed to the appropriate destination (col. 4, lines 34-46 and col. 7, lines 3-6). Furman suggests using the alphabetical abbreviation for using a service, not subscribing to the service.

By using the abbreviation of a service for routing, Furman teaches away from using the abbreviation for initially establishing a subscription. First, the user would expect the code to activate use, not a subscription or vice versa. Using the same code for use and establishing a subscription would cause confusion. Second, the same code would be used for two different functions, making the coding ambiguous. For example, "VM" is taught by Furman to route a current call to a person's voice mail number. When "VM" is dialed, ambiguity exists over whether the call should be routed to someone's voice mail number as taught by Furman for alphabetical abbreviation or whether the caller desires to subscribe to a voice mail service. While the alphabetical representation of numbers on the telephone key pad are well known, Furman teaches away from the use of the alphabetical abbreviation of a service to establish a subscription to the service. Like pneumonic aids when dialing a number (e.g., 1-800-Flowers), Furman teaches using the alphabetical representation to route a call. By disclosing the advantages of using the alphabetical code to route calls, Furman teaches away from using the code for a different purpose, establishing a subscription of Malik. A person of ordinary skill would not have used the alphabetical abbreviation of Fruman for the coded triggering of subscription of Malik.

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DEPENDENT CLAIMS 2-6, 8-11, 13-17 AND 19-22:

The above listed dependent claims depend from the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons. Furthermore, limitations of some of the dependent claims are not suggested by the Examiner cited sections of the references.

For example, claims 6 and 17 require "ci" for caller identification. Malik expresses this feature as "calling name delivery" (col. 13, lines 20-21). Malik teaches away from the use of "ci."

As another example, claims 11 and 22 require "written correspondence." Malik shows data or video correspondence. The Examiner notes that the data is "written" to a screen. However, "written correspondence" is a term of art distinct from a video display of data.

DEPENDENT CLAIMS 7 AND 18:

Claims 7 and 18 depend form the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons. Furthermore, the combination cited by the Examiner would not suggest the limitations of these dependent claims. Furman discloses using alphabetical codes for call routing to a type of destination – a voice mail destination, a fax destination, a business phone destination and others. Mirville et al. disclose a menu structure for associating a code (e.g. *9) with a service (e.g. call waiting). Furman deals with routing, and call waiting is not a number to be called. For combination with Malik, a person of ordinary skill in the art would have used the list and/or the code ("*9") of Mirville et al., not an alphabetical abbreviation. Therefore, there is no suggestion to provision call waiting by dialing a "cw" code as claimed in claims 7 and 18.

INDEPENDENT CLAIMS 24, 30 AND 37:

Claim 24 requires initiating a telecommunications network trigger based upon a menu code including at least one of "*M" and "#M" and providing a menu of a plurality of

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telecommunications options in response to the telecommunications network trigger. Claims 30 and 37 have similar limitations.

Malik and Furman do not teach these limitations. In particular, neither Malik nor Furman disclose using "*M" or "#M" to provide a menu. The Examiner specifically notes that Malik "fails to specifically disclose that the menu code includes '*M' or '#M'." The Examiner relies on the "*M" shown in Furman (col. 1, lines 43-46) for this limitation. However, Furman uses "*M" for connecting a caller to an electronic messaging service associated with a called party (col. 1, lines 43-46). There is no disclosure of using "*M" as a menu code in either Malik or Furman. Accordingly, claims 24, 30 and 37 are allowable since both references do not disclose the claimed limitation.

Additionally, Furman teaches away from using any alphabetical abbreviation for the subscriptions of Malik as discussed above for claim 1. Furman teaches away from using "M" for a menu. The alphabetical designations of Furman are used for routing, such as to a messaging service, not a menu. Given only one "M", a person of ordinary skill in the art would have followed the clear suggestion in Furman of "M" for messaging service and avoided confusion by not using "M" to activate a menu. Malik also teaches away from using "M" for a menu since the menu of Malik is used to obtain service related information once the code XX for the desired service has been used (col. 17, lines 14-43). Malik discloses using the menu based on a service code, not based on a separate menu code.

The Examiner alleges that the choice of abbreviation goes to non-structural content. However, claim 24 is a method claim, not requiring structural content. The choice of abbreviation makes a difference to users - altering which button to depress. The choice of abbreviation also makes a difference to programming switches or other telecommunications devices. Only one key is labeled with "M" so the transistor, data or flow used by the system is altered to correspond to detecting that key for activating a particular function – a menu. The claims require more than a mere intended use. A code designated by a specific button results in specific processing. The prior art is not capable of performing the claimed use of the known "M" button since the prior art does not make the programming, data, switch or logical connection of using the M button for initiating a trigger with a menu provided in response to the trigger.

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The Examiner alleges that the Malik and Furman teachings would be used to provide "M" for providing a menu. As support, the Examiner alleges that the prior art of this combination is able to perform the intended use, so the combination would meet the claim requirements. This argument is circular. The prior art is not being claimed. Neither Malik nor Furman suggest using "M" to activate a menu.
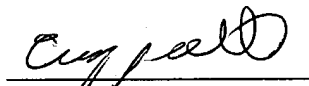
DEPENDENT CLAIMS 25, 27-29 AND 31-36:

The above listed dependent claims depend from the independent claims discussed above. Therefore, these dependent claims are allowable for the same reasons.

Conclusion

In view of the remarks, the Applicant respectfully submits that the pending claims are in condition for allowance. If any issues remain, it is requested that the Examiner call the undersigned at (312) 321-4726 so that an interview can be arranged.

Respectfully submitted,

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